

STATE OF CALIFORNIA
OFFICE OF THE ADJUTANT GENERAL
2829 Watt Avenue
P.O. Box 214405
Sacramento, California 95821-0405

CAL ARNG Regulation
No. 600-4

1 May 1989

Personnel - General
PRIVATE INDEBTEDNESS AND FINANCIAL OBLIGATIONS

1. Financial affairs of members of the CAL ARNG not on active duty are deemed to be of a private nature and beyond the scope of official action. However, all members, and particularly those who are full-time employees of the CAL ARNG, are expected to conduct their financial affairs in a manner which precludes adverse criticism of the CAL ARNG and the Military Department.
2. If a request for assistance in collecting a debt from a National Guard member comes to this headquarters, the action to be taken depends upon whether the request comes from a commercial debt collector or a private creditor.
 - a. **Commercial debt collectors** are any persons or corporations who, in the ordinary course of business, regularly, on their own behalf, or for others, engage in debt collection. (Calif. Civil Code, sec. 1788.2(c))
 - b. **Private creditors** are persons or businesses who are seeking to collect a due and owing debt from a person to whom they extend credit. (Calif. Civil Code, sec. 1788.2(h) and (i))
3. **Commercial debt collectors** are generally forbidden by state law from contacting a debtor's employer except for verifying employment, locating the debtor (see paragraph 6 below), or effective garnishment pursuant to a court judgment. Debt collectors should be made aware of these restrictions imposed by the California Fair Debt Collection Practices Act.
4. **Private creditors** are not subject to the restrictions of the Fair Debt Collection Practices Act, nor are attorneys representing such parties. Thus, if a letter requesting assistance from such a creditor is received at this headquarters, it will be forwarded to the appropriate commander by letter of transmittal. Such letter will request that action be taken to preclude further correspondence on the matter to this headquarters. The creditor will be furnished a copy of the letter of transmittal. All echelons of command above unit level will follow this procedure without referral to this headquarters.
5. **Unit commanders** receiving requests for assistance from private creditors, either directly or from higher headquarters, will inform the Guard member of the situation and determine his plans to liquidate his debt. The commander will then notify the creditor that the matter has been brought to the debtor's attention and the action, if any, which may be expected to extinguish the debt.

*This regulation supersedes CAL ARNGR 600-4, dated 25 August 1982.

1 May 1989

6. RELEASE OF INFORMATION. Under the Federal Privacy Act, a National Guard member's home address, home telephone number, or Social Security number cannot be released to creditors without the written consent of the Guard member. However, it is permissible to confirm that the individual is a Guard member and to give the unit location and telephone number.

(CAAS)

BY ORDER OF THE GOVERNOR:

OFFICIAL:

ROBERT C. THRASHER
Major General
The Adjutant General


CERWOOD F. REYNOLDS
OFF. OF CAL ARNG
Administrative Officer

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